

**Before the  
Federal Communications Commission  
Washington, D.C. 20554**

In the Matter of	)	
	)	
Video Device Competition	)	MB Docket No. 10-91
	)	
Implementation of Section 304 of the	)	
Telecommunications Act of 1996	)	
	)	
Commercial Availability of Navigation Devices	)	CS Docket No. 97-80
	)	
Compatibility Between Cable Systems and	)	PP Docket No. 00-67
Consumer Electronics Equipment	)	

**Reply Comments**

My name is Dana Mulvany. I am a private individual with hearing loss who depends greatly upon captioning in order to understand television programming. My comments here are in response to Ronald Vickery's comments in this proceeding.

Mr. Vickery's comments generally focus on how moving to the use of AllVid adapters would affect support for captioning. As a fellow person with hearing loss, I too am very concerned about how new technology would affect the accessibility of television programming.

The Television Decoder Circuitry Act of 1990 states:

"to the fullest extent made possible by technology, deaf and hearing-impaired people should have equal access to the television medium"

and

"As new video technology is developed, the Commission shall take such action as the Commission determines appropriate to ensure that closed-captioning service continues to be available to consumers"

(<http://www.access-board.gov/sec508/guide/1194.24-decoderact.htm>)

In keeping with this law, the FCC therefore has an ongoing obligation to ensure continued access to the television medium for deaf and hearing-impaired people "to the fullest extent made possible by

technology." In proposing new standards for television technology, the FCC has a legislative mandate to be **proactive** in ensuring continued access to closed captioning to the fullest extent made possible by **technology**. Much thought has been given to how to facilitate more competition among manufacturers of smart navigation devices, but this needs to be balanced with the mandate to maintain access to captioning. Yet there have been significant problems with access to captioning—including the failure of the HDMI standard to relay caption data even though this was technologically possible, and which caused severe problems for millions of people who needed full access to caption data but who discovered that their HDTVs simply did not have the ability to decode caption data from HDMI-connected devices, such as cable set top boxes as well as DVRs.

The FCC has a legislative mandate to provide full access to captioning and needs to guard against assuming that standards for older technology will be adequate to maintain access for new technology. The current FCC requirement for stand-alone devices with ATSC television tuners to have caption decoding circuitry will not be adequate for providing continued access to captions if and when navigation devices no longer contain such tuners. Instead, the FCC should consider requiring all devices which process television signals, whether broadcast over the air, in a MPEG-2 bitstream, or in new or different formats not yet designed, to be capable of decoding caption data. All such devices should also fully support access to close-captioned recordings and playbacks. (Some devices now on the market do not permit the user to make closed-captioned recordings.)

When standards for new technology is being considered in the future, I urge the FCC to ask open questions about how to continue to ensure access. Furthermore, however, because most members of the public will not have the technical expertise or knowledge to anticipate the impact of new technology upon accessibility, the FCC should make a concerted effort to obtain input from people with such expertise and technical knowledge to explore how to maximize accessibility when new standards are being considered. As technology gets more and more sophisticated and specialized, the FCC needs to implement an effective compensatory strategy for addressing accessibility concerns for the public interest by utilizing the services of people with the necessary technical expertise to advise FCC staff.

Mr. Vickery had written:

"Paragraph 35 asks if navigation devices in the AllVid system should include an ATSC tuner. As a consumer, I would want that especially since the ATSC tuner would also have a caption decoder and it would give more viewing options."

I agree with Mr. Vicker. Furthermore, for emergency purposes, I believe it is in the public interest for the AllVid system to include ATSC tuners. When cable or satellite devices become inoperable due to a hurricane, earthquake or other calamity, people need to have the capability of receiving television programs over the air due to the value of seeing visual information rather than simply hearing information over the radio or phone. (Many people also need access to television programming during an emergency because they cannot hear the radio or understand spoken English quickly.) Furthermore, much of the mainstream population often assumes that their equipment used for watching television is

capable of receiving over-the-air television broadcasts; most do not understand what a TV tuner is and that a smart navigation device that doesn't have one is not able to receive over-the-air broadcasts.

I also support what Mr. Vickery wrote below:

"Paragraph 40 asks about devices that are classified as navigation devices. I would want the list to include any device that receives broadcasts, records broadcasts, or plays back broadcasts and/or media. I would welcome the consolidation of those functions into one box that is accessible on the home network to TV displays, audio equipment, and projectors.

"Apart from the interface chosen to connect the AllVid adapter to navigation devices, if any other interfaces are employed on devices, they must fully support the transport of caption data from a source device to a display device and the display device must be able to render captions. Additionally the proper passage of program-related ancillary audio intended for use by people with disabilities must be provided. This currently relates to Video Description, a service needed by blind people. The infrastructure must be able to accommodate new services designed for people with disabilities if they become available."

Thank you for your work on behalf of the public interest.

Sincerely,

Dana Mulvany